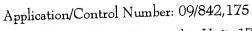


Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	pplicant(s)	70	
Office Action C		09/842,175	PETER ET AL.		
*	* Office Action Summary	Examiner	Art Unit		
	Ti	Mark Eashoo, Ph.D.	4700		
Period f	Th MAILING DATE of this communication app ars on th cov r sh et with the correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days reply within the statutory minimum of thirty (30) days will be considered timely.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any  Status					
2a) □	Responsive to communication(s) filed on <u>26 A</u> This action is <b>FINAL</b> . 2b) This				
3)	=~/E3 1111S	action is non-final.			
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
4)⊠ Claim(s) <u>1-16</u> is/are pending in the application.					
4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.					
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) 1-16 are subject to restriction and/or election requirement					
Application Papers					
9) The specification is objected to by the Examiner.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) he held in abeyones. See 37 OFB 4 of (s)					
The proposed drawing correction filed on is: a) approved by disapproved by the Every's a					
"approved, corrected drawings are required in reply to this Office action					
12) The oath or declaration is objected to by the Examiner.					
Priority under 35 U.S.C. §§ 119 and 120					
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).					
a) ⊠ All b) ☐ Some * c) ☐ None of:					
1. Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents have been received in Application No					
Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.					
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).					
" Life translation of the foreign language provisional application below.					
y and one working the control of a claim for domestic priority under 35 U.S.C. 88 120 and/or 121					
2) Notice of 3) Informati	References Cited (PTO-892) Draftsperson's Patent Drawing Review (PTO-948) on Disclosure Statement(s) (PTO-1449) Paper No(s)	4) Interview Summary (PT 5) Notice of Informal Pater 6) Other:	O-413) Paper No(s) nt Application (PTO-152)	·	
S. Patent and Trademark Office TO-326 (Rev. 04-01) Office Action Survey					

2) 3)



Paper No. 4, Restriction - Art Unit: 1732

## DETAILED ACTION

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-6, drawn to a method of forming a flexible strip made of a biopolymer, classified in class 264, subclass 173.1.
- II. Claims 7-16, drawn to a device for forming a flexible strip, classified in class 425, subclass 380.

The inventions are distinct, each from the other because of the following reasons:

Inventions of groups I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus as claimed can be used to practice another and materially different process, such as one that does not use a biopolymer.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

A telephone call was made to applicant's attorney, Mr. Gary M. Nath, on 20-FEB-2003 to request an oral election to the above restriction requirement, but did not result in an election being made. Applicant's attorney requested a written restriction.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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## Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Eashoo, Ph.D. whose telephone number is (703) 308-3606. The examiner can normally be reached on 7am-3pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Mark Eashoo, Ph.D.

Primary Examiner Art Unit 1732

07/ Man 03

me March 4, 2003